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Amend the Law relating to future Judgments in
Ireland, and to assimilate it to the Law relating
to Judgments in England.

WHERRAS it is desirable to assimilate the Law affecting Preamble.
Freehold and Leasehold Estates in Ireland to that
affecting purely Personal Estates in respect of future
Judgments, Statutes, and Recognisances: Therefore, Be it enacted
5 by the Queen's most Excellent Majesty, by and with the Advice
and Consent of the Lords Spiritual and Temporal, and Commons,
in this present Parliament assembled, and by the Authority of the
same, as follows:

1. No Person shall be entitled, in respect of any Judgment to be
10 entered up after the passing of this Act, to register an Affidavit
under the Provisions of the Act passed in the Fourteenth Year of
the Reign of Her Majesty Queen Victoria, Chapter Twenty-nine,
or of the Act passed in the Twenty-second Year of the Reign of
Her Majesty, Chapter One hundred and five, amending the same. Judgment
Mortgages
abolished
as regards
future
Judgments.
- 15 2. In the Construction of this Act the Term "Judgment" shall
be taken to include registered Decrees and Orders of the Court of
Equity and Bankruptcy and other Orders having the Operation of a
[Bill 68.] A Interpre-
tation of
Terms. Judgment,

Judgment, and the Term "Land" shall be taken to include all Hereditaments, corporeal or incorporeal, or any Interest therein, and the Term "Debtor" shall be taken to include Husbands of married Women, Assignees of Bankrupts, Committees of Lunatics, and the Heirs or Devisees of deceased Persons.

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Sheriff empowered to deliver Execution of Land to future Judgment Creditors.
3 & 4 Vict. c. 103. s. 12.

3. It shall be lawful for any Creditor under a Judgment, Statute, or Recognizance to be entered up after the *passing of this Act*, and entitled to have Execution thereof, to sue out a Writ directing the Sheriff or other Officer to whom such Writ shall be directed to make and deliver Execution unto the Party in that Behalf suing of all such Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments, including Lands and Hereditaments which may be of Copyhold Tenure, as the Person against whom Execution is so sued or any Person in trust for him shall have been seised or possessed of at the Time of entering up the said Judgment or at any Time afterwards, or over which such Person shall at the Time of entering up such Judgment or at any Time afterwards have any disposing Power which he might without the Assent of any other Person exercise for his own Benefit.

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New Writs to be framed.

4. Such new or altered Writs or other Process of Execution shall be sued out of the Courts of Law and Equity and the Court of Bankruptcy and Insolvency in Ireland as may by such Courts respectively be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order, and the Execution of such Writs shall be enforced in such and the same Manner as the Execution of Writs of Execution is now enforced, or as near thereto as the Circumstances of the Cases will admit.

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Writs of Execution to be registered.
23 & 24 Vict. c. 38.
27 & 28 Vict. c. 112.

5. Every Writ or other Process of Execution of any such Judgment, Statute, or Recognizance to be entered up after the *passing of this Act*, by virtue whereof any Land shall have been actually delivered in Execution as aforesaid, shall be registered by a Memorandum or Minute referring to the said Judgment, Statute, or Recognizance, so as to connect the Registration of the Writ or Process of Execution therewith, such Memorandum or Minute to be impressed with a Stamp Duty of *Five Shillings*, and to be left with the Registrar of Deeds, or his Deputy, who shall forthwith enter the Particulars in a Book in alphabetical Order by the Name of the Debtor against whom such Writ or Process issued, and also the Year and the Day of the Month when every such Memorandum or Minute shall be left with him: And all Persons shall be at liberty

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liberty

such Land in Execution as aforesaid, shall be bound by every such Order for Sale, and by all the Proceedings consequent thereon.

Receiver
may be
appointed
in special
Cases.

10. If it shall appear to the Court that an immediate Sale of the Debtor's Interest in such Land would be inexpedient, it shall be lawful for the Court to make an Order appointing a Receiver over such Land, or appointing the Judgment Creditor of the Debtor such Receiver, reserving however the Right at any Time to vary or discharge such Order, and to proceed to a Sale of such Land.

Judgment
Office con-
solidated
with Regis-
try of Deeds.

11. Whereas by the Operation of the said Act passed in the Fourteenth Year of the Reign of Her Majesty the Queen, Chapter Twenty-nine, the Duties of the Office of the Registrar of Judgments have been diminished, and by the Operation of this Bill those Duties will be further diminished, and it is expedient that a Search in the Office of the Registrar of Deeds should as far as possible disclose every Claim or Demand by which Land to be hereafter sold can be affected: Be it enacted, That the Office of the Registrar of Judgments, established under the Act passed in the Eighth Year of Her Majesty the Queen, Chapter Ninety, shall on the Thirtieth Day of September One thousand eight hundred and sixty-five be finally closed and consolidated with the Office of the Registrar of Deeds; and thenceforth the Registrar of Judgments, his Clerks and Assistants, shall cease to act as such, and their respective Offices shall be thenceforth abolished, and on that Day the Books, Certificates, and other Documents then in the Office of the Registrar of Judgments shall be removed to the Office of the Registrar of Deeds, and thenceforth the Registrar of Deeds for the Time being shall discharge the Duties theretofore performed by the Registrar of Judgments; and the Registrar of Deeds shall have as full Jurisdiction and Powers for all official Purposes, and be subject to the like Liabilities in respect of such Duties as the Registrar of Judgments enjoyed or was subject to before the passing of this Act.

Arrangements to be made and Rules to be framed for effecting such Consolidation of said Offices.

12. It shall be lawful for the Lord Chancellor and Master of the Rolls for the Time being of the Court of Chancery in Ireland (by and with the Assent of the Treasury) and they are hereby required to make such Arrangement as they shall deem requisite for the Consolidation of the Office of the Registrar of Judgments with the Office of the Registrar of Deeds, and for providing a proper Place in the Office for the Registry of Deeds, for the Reception of Documents now kept in the Office of the Registrar of Judgments, and for transferring the Registrar of Judgments, his Clerks and Assistants,

Assistants, or such of them as they shall think fit, to the Office of the Registrar of Deeds, and for defining their Duties and their Salaries, and for regulating the Continuance in the Office of the Registrar of Deeds of any Business heretofore transacted in the Office of the Registrar of Judgments, and for making new Indexes of the Judgments and other Matters registered in the Office of the Registrar of Judgments, and for making Alterations in the Forms of the Indexes in the Office of the Registrar of Deeds, and generally for giving effect to the Purposes and Provisions of this Act; and for that Purpose they may frame and promulgate such Forms, Rules, and Orders as they shall consider requisite and expedient, which Forms, Rules, and Orders, when made and promulgated, shall be of as much Force as if the same had been specially enacted herein.

- 15 13. And whereas, by an Act passed in the Third Year of the Reign of His late Majesty King George the Second, intituled "An Act for the better Discovery of Judgments in the Courts of " King's Bench, Common Pleas, and Exchequer at Dublin, and " for the greater Security of Purchasers," it was enacted, that Judgments should as against Purchasers or Mortgagees be Judgments only from the Time of their being docketed and entered in Books in the Manner thereby provided, and should not have any Preference against Heirs, Executors, or Administrators in the Administration of their Ancestors, Testators, or Intestates Estates, but from the Time aforesaid: And whereas by several later Acts, including the said Act passed in the Eighth Year of Her Majesty Queen Victoria, Chapter Ninety, Judgments are required to be registered with more Particulars than were required by the said recited Act; and it is by the said Act passed in the Eighth Year of Her Majesty Queen Victoria enacted, that Judgments not so registered shall not affect any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors unless and until the same shall be registered in manner thereby required; and in obedience to a Direction in the said last-mentioned Act contained, the Dockets existing under the said first-recited Act have been finally closed: And whereas the said several later Acts do not expressly enact that Judgments not docketed as thereby required shall not have any Preference against Heirs, Executors, or Administrators in their Administration of their Ancestors, Testators, or Intestates Estates, in consequence whereof Doubts have arisen whether or not such Heirs, Executors, or Administrators have in respect to existing Judgments lost the Protection which they enjoyed under the said first-recited Act; and it is expedient that such Doubts
- 45 should be removed: Be it therefore enacted and declared, That no

Provision for Protection of Heirs and Executors against existing unregistered Judgments. See 23 & 24 Vict. c. 58. s. 3.

Judgment which has been entered up before the passing of this Act, which has not already been or which shall not herein-after be entered or docketed under the several Acts now in force, and which passed subsequently to the said Act of the Third Year of King George the Second, so as to bind Lands, Tenements, or Hereditaments as against Purchasers, Mortgagees, or Creditors, shall have any Preference against Heirs, Executors, or Administrators in their Administration of their Ancestors, Testators, or Intestates Estates.

Judgments as against Heirs and Executors to be re-registered. 23 & 24 Vict. c. 38. s. 4.

14. No Judgments entered upon before the passing of this Act 10 which, since the passing of the said Act passed in the Eighth Year of the Reign of Her Majesty, Queen Victoria, Chapter Ninety, have been registered under the Provisions therein contained, or which shall hereafter be registered under the Provisions contained in this Act, shall have any Preference against Heirs, Executors, or 15 Administrators in the Administration of their Ancestors, Testators, or Intestates Estates unless at the Death of the Testator or Intestate *Five Years* shall not have elapsed from the Date of the Entry thereof on the Docket, or from the only or last Re-registry thereof, as the Case may be, which Re-registry from Time to Time is hereby 20 authorized to be made in manner directed by the said Act of the Thirteenth and Fourteenth Years of the Queen, Chapter Twenty-nine, Sections Three and Four, as modified by the Provisions hereinbefore contained in reference to the Office of the Registrar of Judgments; but it shall be deemed sufficient to secure such 25 Preference as aforesaid if such a Memorandum as was required in the first instance is again left with the proper Officer within *Five Years* before the Death of the Testator or Intestate although more than *Five Years* shall have expired by Effluxion of Time since the last previous Registration before such last-mentioned Memorandum 30 or Minute was left, and so toties quoties upon every Re-registry.

Re-registration and Crown Debts to be re-registered every Five Years. 23 & 25 Vict. c. 35. s. 22.

15. From and after the passing of this Act, the Provisions for Re-registry of Judgments, Decrees, or Orders, Rules, or Orders contained in the said Act of the Thirteenth and Fourteenth Years of the Queen, Chapter Twenty-nine, Section Four, as modified by 35 the Provisions of this Act in reference to the Office of the Registrar of Judgments, shall extend and apply to every such Judgment, Statute, Recognizance entered before the passing of this Act, and to every such Inquisition, Obligation, Specialty, or Acceptance of Office, as is by Section Eleven of the said Statute passed in the 40 Eighth Year of Queen Victoria, Chapter Ninety, required to be registered; so that it shall be obligatory on the Crown in order to bind the Land of its Debtors or Accountants as against Purchasers, Mortgagees, or Creditors becoming such after the passing of this Act

Act to re-register in the Office of the Registrar of Deeds in like Manner as it will be obligatory on a private Person, and so that Notice of any such Judgment, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of Office not duly re-registered shall
 5 not avail against Purchasers, Mortgagees, or Creditors becoming such after the passing of this Act as to Land; and this Provision shall apply to every such Judgment, Statute, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of Office as has been registered under the Provisions contained in the said Act passed
 10 in the Eighth Year of the Reign of Queen Victoria, Chapter Ninety, or under the Provisions contained in the Act passed in the Twelfth Year of the Reign of the Queen, Chapter One hundred and twenty, Section 13, or which shall after the passing of this Act be registered in the Office of the Registrar of Deeds.

15 16. Every Person holding any Office or Employment in the Offices of Her Majesty's Court of Chancery or Common Law in Ireland who shall by the Operation of this Act be deprived of any Emolument, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Twelve Calendar Months
 20 after the passing of this Act, and it shall be lawful for the said Commissioners, having regard to the Advantages, if any, accruing to such Claimant from the Operation of this Act, and to all the other Circumstances in each Case, to award such Compensation to such Officer as they shall think just, the same to be paid out of the Consolidated
 25 Fund of the United Kingdom of Great Britain and Ireland.

Compensation
Class.

17. This Act shall extend to Ireland only.

Extent of
Act.

Judgments (Ireland).

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B I L L

To amend the Law relating to future
Judgments in Ireland, and to assimila-
te it to the Law relating to judg-
ments in England.

*(Prepared and brought in by
Mr. Widdick and Mr. George.)*

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[Bill 98.]

Under 1 oz.